

**Minutes of the
Public Records Commission**

Wednesday June 13, 2012 9:54 AM Central Daylight Time

Tre Hargett, Secretary of State, opened the meeting of Public Records Commission (PRC) at the State Capitol in the Governor's Executive Conference Room, G Floor, in Nashville, Tennessee.

Commission Members Present:

Secretary of State, Tre Hargett

Rick DuBray, Office of Treasury

Faye Weaver, Comptroller of Treasury

Cody York, Secretary of State

Eddie Weeks, Legal Services

Deputy Commissioner Reen Baskin, General Services

Ann Toplovich, TN Historical Commission

In Attendance:

Pennye Neal, Department of General Services

Chuck Brown, Department of Children's Services

Bill Strickland, University of Tennessee Knoxville

Tiffany B. Hall, Department of Finance & Administration

Kathy Jenkins, Department of Economic & Community Development

Stephanie Moseley, Department of General Services

Luke Koontz, Department of General Services

Bucky Rosenbaum, Department of General Services

Elizabeth Crawford, Department of General Services

Kelly Smith, Department of General Services

Laura Bowman, Department of General Services

Tom Chester, Department of General Services

Amanda Crow, Bureau of TennCare

Linda Little, Bureau of TennCare

Debby Beard, Tennessee Housing Development Agency

David Weeks, Bureau of TennCare

Saiah Yusuf, Department of Health

Jane Young, Department of Health

Garrett Guillory, Department of Revenue

Mark White, Department of Tourist Development

David Byrne, Administrative Office of Courts

Austin Payne, Department of Environment and Conservation

Christi Poston, Department of Environment and Conservation

Stacey Hooper, Department of General Services

Steven Jenks, Department of General Services

Tricia Kitchens, Department of Finance & Administration- OIR
Buddy Lea, Department of Finance & Administration
Jan Sylvis, Department of Finance & Administration
Martha Nichols, Department of Finance & Administration
Adrienne Brandon, TRICOR
Renea Vaughn, TRICOR
Brigitte Tubbs-Jones, Department of Human Resources
William Wood, Department of Labor & Workforce Development
Mike Cook, Department of General Services
Bill Davis, Department of General Services
Vicky Goodin, Department of General Services
Tammy Golden, Department of General Services
Joe Sanders, Department of Environment and Conservation
Lesley Farmer, Department of Education
Mike Corrialli, Department of Finance & Administration
Lori Bogaerts, Department of Human Resources
Faye Mangrum, Commission on Children and Youth
Elizabeth Sneed, Department of Human Resources
Debbie Inglis, Department of Corrections
Abigail Lipshie, Department of General Services
Cathy Benhamed, Department of Mental Health
Debbie Keck, University of Tennessee Knoxville, Records Management
Sandra Braber-Grove, Department of Mental Health
Marcie Mills, Tennessee Higher Education Commission/TN Student Assistance Corporation
Peter Abernathy, TN Student Assistance Corporation
Pam Holliman, Department of Health
Cathi Carmack, TN State Library Archives
Wayne Moore, TN State Library Archives

I. Call to Order and Welcome

II. Approval of Minutes

Secretary of State, Tre Hargett, opened with the first item on the agenda with the approval of the meeting minutes. He asked if there were any comments or questions. A motion was made to approve the minutes and that motion was seconded. The minutes were approved.

III. Records Management Update

Secretary Hargett moved to the next item on the agenda, requesting a Records Management update. He turned the floor over to Kelly Smith, Assistant Commissioner - General Services.

Mrs. Smith summarized the Records Management update as follows:

- Records management's number one priority has been RDA Approvals.
- Records management training agency visits. In May 15, department RDA training visits took place. As of the year to date 134 individuals have been met with and in April/May 121 individuals have been trained. Many agencies had questions about properly submitting RDA paperwork, so on June 7th a RDA training workshop took place in the TN Tower. There were 45 people in attendance. The 3 hour meeting turned into a 4.5 hour meeting due to the amount of questions. This is a positive sign that agencies are really engaged in their records and they are eager to learn the process.
- In May, over 269 RDA's have been processed and sent over to Public Records Commission (PRC). We have met with Chairman Hargett's office and gone through RDA's and there were a lot of questions, concerns, and missing information with many RDA's. In response our office is making it a number one priority getting back with agencies and asking for more information.
- We have provided recommendations for each RDA moving forward. We are pulling box reports from Richards & Richards database illustrating that there are no records in the Records Center and have someone from Records Management team initial to show accountability.

Mrs. Smith posed a question to panel asking "Do you Prefer RDA packets as they are submitted by the agency or do you prefer us to contact the agencies once we receive the packet recognizing there may be more information needed? Should we go back to the agencies when we receive the RDAs that are missing information and receive it? Or do you prefer to see what they have submitted, send it back to us, and then we go back at that stage?"

Ms. Weaver stated "Historically you and your staff would go through the RDA's and make sure that they have all of the necessary paperwork in there before they are sent to the principals. So I would recommend that you do that versus sending incomplete packages. Once it comes to the Comptroller's office then the packets are sent to state audit for their review. Rather than take up their time looking for information that's not there, it would be nice to see the whole packet and move on." Mr. Weeks then asked "At what point are they sent to TN State Library and Archives for review?" Mrs. Smith replied, "First, they come to Records Management. Then they are sent to TSLA. We can be as transparent as you all desire in this process. We can track what we received from agency and keep record of all of this. It's up to PRC to approve or deny RDA not Records Management. "

Ms. Weaver asked, "Are agencies made aware of what they need to put in the packet when submitting a RDA for creation or deletion? Do you all have a guideline?" Mrs. Smith's responded, " We do. Obviously every RDA is unique. There are some state and federal guidelines that may have been overlooked. With the involvement of the general counsels in this process, it has been elevated and that has been extremely helpful in figuring out those types environments. Sometimes there's confusion as to whether or not they [agencies] thought they had boxes at Richards & Richards or not or they didn't realize. We discovered the records in a walk through. So there are unique situations like this, but we have done training."

Secretary Hargett commented that Records Management is destroying more boxes than they are taking in. He stated eventually there is going to come a time in this is going to flip.

There are a lot of agencies waiting to send things in but were under the impression that Records Management was on hold. Mrs. Smith followed up by explaining that Records Management was not on hold and the Box Inventory Processing Report shows how many boxes are at Richards & Richards are being stored and how many have been destructed.

Mrs. Smith moved on to saying she spoke with Cody York and Thaddeus Watkins, Department of General Services Counsel, about changing the term for “deleting” an RDA to “retiring.” The reason for the term change is so the agencies could retire an RDA after a certain date versus completely deleting it. Cody York further elaborated on this statement by explaining when you delete an RDA, the records retention and record series all goes away. He states with this comes a fear agencies would believe all records associated with the RDA were completely destroyed and all the necessary measures were completed to delete the RDA. Yet, not all RDA’s have met the retention date any may leave boxes somewhere. The main goal is to ensure there are no boxes in the agency. When an agency deletes an RDA and boxes are sitting somewhere, the PRC has the authority to grant the deletion. Yet if the RDA has been deleted and boxes are later discovered, then the PRC’s legal power disappears. This may leave the boxes remaining in limbo. This would create a situation where people would have to do a RDA. It may be better to changing the term to retire and say after a certain date these boxes or records can be deleted/destroyed.

Secretary Hargett asked if General Services could come back to the panel with a proposal relating to retiring an RDA instead of deleting them. If they can discuss if that is something that they need to consider or not. Ms. Weaver asked if any agencies who may have this particular situation to happen. If so, how did you deal with it, or is this something that’s new propped up. She expressed her fear that the panel doesn’t understand what agencies have to do or have done. Christi Poston, Records Officer for Department of Environment & Conservation, stated, “Traditionally even from the old Records Management standpoint; when we discover we have records over retention or the records are old; we seek the RDA to make sure the records have met the destruction; destroy records and make the recommendation to delete the RDA. Then, we put a note in our (the agency) files that the record was deleted. That way records gone first before RDA deleted.” Secretary Hargett stated it appears not to be a problem. He expressed concern about not wanting to solve a problem that doesn’t exist and create a nuisance.

- Records Management received the approval through Department of General Services to hire a Director & Assistant Director. It is now with the Department of Human Resources to hire a for this positions. Elizabeth Crawford is serving her last week with Records Management and has taken a job in Seattle, WA. As far as staffing, we have Pennye Neal, Records Manager, and Stephanie Moseley, Record Analyst - who after a year of being with Records Management is an official state employee. Along with the new Director and Assistant Director positions and two new Records Analyst will likely be hired. We want to get the Director in first and let that person decide on how they want to build their team.
- Records Management operates on fee services model. The expenses for July 1, 2011-April 2012 are \$308,414; Administrative Revenue for July 1, 2011-April 2012 is \$275,858; and payments to Richards & Richards for July 1, 2011-May 2012 are 379,193. In fiscal year 10, the Records Center

the expenses were \$1.2 million, so those expenses have decreased dramatically obviously because the staff is smaller which a large part of the expenses.

Secretary Hargett expressed for Records Management to find a cost efficient way to keep these records. Ms. Weaver asked about the fee structure and Mrs. Smith responded that they charged twenty cents per box stored at Richards & Richards and that comes back to Records Management covering administrative costs, salary, rent, and those kinds of things. Mrs. Smith further explained that they charge for their services, such as T3 assessment that they perform that are beyond Records Managements role.

Faye Weaver asked Mrs. Smith if agencies Journal Vouchers and could she explain the process? Deputy Commissioner, Tommy Chester was called to explain the financial information for Records Management. He explained there is no such thing as a journal voucher anymore. He stated at the end of the month, Department of General Services calculate the cost by each agency's speed chart number and bill accordingly.

- Richards & Richards charges \$1 destruction fee for each box and \$2 to pull the box totaling a \$3 fee.

Cody York asked for more clarification about the \$7.25 "perm out" fee in contract. Mrs. Smith stated Records Management asked Richards & Richards to send a representative to this meeting today. However, there was a conflict in schedule but they will be here for the August meeting. The confusion surrounding if you pull a box and destroy it yourself then you are charged a \$7.25 is false. Richards & Richards will put it in writing since this is unclear in the contract. The \$7.25 fee would be if the State of TN ended the contract and pull all of the agencies boxes associated with the contract.

Cody York then continued to discuss \$12.00 delivery and \$1.00 per box fees. Mrs. Smith stated that these fees only apply if the agencies use the delivery service. These fees will also be writing since it is unclear in the contract and be emailed out to the panel.

Cody York stated he figured the amount stated for the record inventory and multiplied it by the twenty cent. He calculated a number higher than the revenue number documented. Mrs. Smith then stated that the revenue is through April and that it could be behind. Deputy Commissioner Chester explained that there are two parts to the monthly bill, boxes stored at Richards & Richards and operational cost. The two were added together it would cover Records Managements cost along with the contact cost. Mr. York stated he that according to the calculations he has done, he comes up with \$264,000 regarding revenue number and asked does this number cover all transportation fees for the boxes. Deputy Commissioner Chester explained that the component off the invoice dealing with the records themselves should include transportation costs and the overhead is primarily the operational staff. He also stated that Richards & Richards are not doing the transporting at this time. Records Management are doing it themselves.

Secretary Hargett followed this by asking if there were any more comments and moved on to the next business.

IV. Retention of Electronic Records and Filing Ad Update

Secretary Hargett called upon Trishia Kitchen from Department of Finance & Administration, Office for Information Resources where she is Chief of Technology Records. She stated how she was going to discuss the ECM -Enterprise Content Management System. This system is currently being used as the FileNET system.

Ms. Kitchens began with an overview of the ECM System, Enterprise Content Management System, discussing what it is and how it is used. ECM solves business problems because it offers solution for agencies that extends from creation of record's content throughout its lifecycle. By having the content in a central location, it also makes it easy to retrieve when needed as long with eliminating paperwork making everything electronic.

Ms. Kitchens discussed the components of the ECM System. The content manager is the brains. Its serves a secure storage repository and manages the identifying information as well as different versions of document changes made. The business process manager manages the workflow process of routing documents. The compounds component includes the records manager that allows you to set up rules, to delete or keep documents, and has the capability to allow people to place holds on documents. The hold component is not fully implemented yet.

She mentioned the true benefit of the ECM System which is the capability to search and discover. You can go in and find a document easily with only a few identifying characters. She also states that ECM is very scalable. It is over 90 applications and over 18 agencies that are using the system.

The next topic was the different means you can use to get documents into the ECM system. There are two IBM products used, capture profession and data capture as well as Lexmark devices, which are highly used in the state. Another way is a native entry tool within the applications called an entry template. Within that entry template you can take a document that may be stored on a local drive or network drive and then add the document into system. There is also application integration, where you can go directly from within your word, PowerPoint, and excel apps and add content. The final tool used extensively is import tool. One of the Developers Don Webb had written a tool where you could take bulk images and import those into system. Another benefit of ECM is a lot of times people do not want to have to use separate applications to find documents and with the system it eliminates that. Finance and Administration also is the back end for some integration systems as they have done work with Edison with expense reports, Concord using ECM, and Tennessee Family and Children Tracking System with using ECM.

Ms. Kitchens closed her presentation and asked the panel if they had questions. Secretary Hargett expressed little knowledge of FileNET and asked for guidance in figuring out what to do with records in fileNET. He asked at what point do the records go away. He then said PRC need to come in a meeting to be prepared to give guidance on whether that takes on form of policy or rules and they can discuss it on a further date. Ms. Kitchens explained there are ways they can go in and delete from file NET, but do not do so unless instructed by an agency. She stated all agencies have right to delete content. There are all kinds of rights some people are allowed to view only, some are allowed to view and add, and others have administrator rights allowing them to delete documents.

Secretary Hargett explained there was some confusion across state government because some people know they have the right to delete, but do not know if they have the authority to do it. He followed this by asking for any thoughts or questions on topic. Faye Weaver stated that FileNET, ECM, has thousands of state records in system and the PRC need to determine which need to be stored, retained, etc.

The PRC needs a better understanding of FileNET and what records are stored in the system and also be brought up to speed about what agencies are doing with it. She then asked Ms. Kitchen for a two minute background on ECM.

Ms. Kitchens stated within the state of TN it was already a standard for FileNET products. Most agencies had installed two different products which were predecessors to ECM which were, image service which still used by some agencies and content services, along with a few other systems. The thinking was it was going to take a lot to run and operate different systems and it would cost more to maintain them. So, the decision was made to get on centralized system, which took place in 2006. The seed of the system came from Revenue who had their own system and we took the license, converted it over, started ECM, and purchased license for everyone. FayeWeaver then asked was Revenue the first with ECM and what files did they put into the system. Ms. Kitchens said they had tax, title & registration documents, and correspondence documents.

Ann Toplovich brought up the fact that some agencies were still using the content and image systems and asked if there was still an annual fee for these and if so then the state is double paying. Ms. Kitchens stated that the other system still require an annual fee. She stated that in the Department of Health's case it is part of their vital records system. It is integrated in the system we are using now and would be hard to break off and come to ECM.

Cody York asked how much are agencies charged for fileNET. Ms. Kitchens explained that there is a sliding scaled based upon the amount of storage. The agencies receive a volume discount for the more they store. The scale ranges from \$15.80 to \$7.00 and there was talk of another level, but she is unsure if it has been implemented and will have to ask one of finance people. The fee will include development, test, and production system, all licenses except capture software, administrator providing 24/7 support and disaster recover. There are two fixed content storage devices where if something happens to one there is another to back up. Cody York asked is the \$15.80 per gig and is there a monthly or yearly fee? Ms. Kitchens explained that there was and it includes set up of system, defining the metadata, and doing all of the up-front work.

Ms. Weaver asked if it is possible for the board to get a listing of the agencies still participating in image and content services and a breakdown of the fees regarding storage on ECM. Ms. Kitchens said she would compile a list together for the panel. Ms. Weaver continued to ask was the ECM restricted to certain agencies when first introduced and how was it introduced to agencies. Ms. Kitchens stated that it was never restricted and she was unsure of how it was made known to other agencies. Ms. Weaver asked the crowd did everyone know about ECM. Someone in the crowd responded that there was training on it when it was first introduced.

Mr. York asked was it up to the agencies to delete the files as they have met the retention date? Ms. Kitchens stated that this was correct the agencies can delete files or the agencies can notify them. They can run a script to delete the content for the agencies. Mr. York asked could OIR put a deadline for deletion in the document to where it would automatically delete on that day. Ms. Kitchens stated that it would be one of the metadata properties, but will still require a second action. Secretary Hargett restated the fact that the PRC needs to determine if the people have the authority to delete the records, even though they have the right. He then thanked Ms. Kitchens and moved on to the next item on agenda.

V. Definition of Records vs. Working Papers

- Secretary Hargett requested that the Attorney General give everyone guidance about what is working paper vs. record and give the definition of a record for information purposes.

VI. Rule vs. Policy

- At the request of Comptroller Office, we will be deferring that to the next meeting.

VI. Adjournment

Secretary Hargett opened the microphone up to the audience. David Weeks from TennCARE suggested that if we are going to do something on ECM; then we might want to bring someone from Attorney General's Office to discuss litigation holds; how to make sure documents we have are entered accurately and put into the system; who has authority to delete document; how easily it can be retrieved; and things of that nature specifically as it relates to litigation holds. This we do not have to revisit that separately. Secretary Hargett gave his appreciation and stated that they would look into that and asked if there was anything else. A motion was entertained to adjourn. It was moved and seconded. The meeting was adjourned.